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4 JONATHAN CHRISTOPHER COFFER,  
5 Plaintiff,  
6 v.  
7 MARK KLISZEWSKI, et al.,  
8 Defendants.

9 Case No. [25-cv-04213-EKL](#)  
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12 **ORDER OF DISMISSAL**  
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14 Re: Dkt. No. 2

15 Plaintiff, a state prisoner, filed a pro se civil rights complaint under 42 U.S.C. § 1983,  
16 seeking money damages against the judge who sentenced him in his criminal case and the district  
17 attorney who prosecuted him. Court records indicate that plaintiff filed an earlier case raising the  
18 same claim against the judge. *See Coffer v. Judge Kliszewski*, Case No. 25-cv-1464 EKL. In a  
concurrent order, that complaint was dismissed with leave to file an amended complaint.

19 This case will be dismissed as duplicative. Plaintiff must identify all his claims and  
20 defendants in an amended complaint in the earlier case. The earlier case did not name the district  
21 attorney as a defendant. Plaintiff may present allegations against her in an amended complaint in  
that case.

22 Plaintiff is informed that a state prosecuting attorney enjoys absolute immunity from  
23 liability under Section 1983 for her conduct in “pursuing a criminal prosecution” insofar as she  
24 acts within her role as an “advocate for the State” and her actions are “intimately associated with  
25 the judicial phase of the criminal process.” *Imbler v. Pachtman*, 424 U.S. 409, 430-31 (1976).  
26 But prosecutors are entitled only to qualified immunity when they perform investigatory or  
27 administrative functions or are essentially functioning as police officers or detectives. *Buckley v.*  
*Fitzsimmons*, 509 U.S. 259, 273 (1993). To determine whether an action is judicial, investigative

1 or administrative, courts look at “the nature of the function performed, not the identity of the actor  
2 who performed it.” *Kalina v. Fletcher*, 522 U.S. 118, 127 (1997).

3 This case is DISMISSED as duplicative. *See Adams v. Cal. Dept. of Health Servs.*, 487  
4 F.3d 684, 688 (9th Cir. 2007). Plaintiff should bring all his claims and name all defendants in the  
5 earlier filed case. The pending motion to file by mail (ECF No. 2) is VACATED. To the extent  
6 plaintiff seeks relief regarding self-harm, he should talk to staff at his prison, and may file a case  
7 in the Eastern District of California where he is incarcerated.

8 **IT IS SO ORDERED.**

9 Dated: June 25 ,2025



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11 Eumi K. Lee  
12 United States District Judge  
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